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Commissioner of Social Security  
PO Box 17703  
Baltimore, MD 21235-7703

RE: Proposed rule regarding evidence requirements for assignment of Social Security numbers to foreign academic students with F-1 status

Dear Commissioner:

This letter constitutes a comment by the International Student Advisor of Washington and Lee University, Lexington, VA on the above-referenced proposed rule, published in the Federal Register on December 16, 2003, requiring F-1 students who do not have an employment authorization document issued by the Department of Homeland Security's Citizenship and Immigration Services to present proof of employment in order to apply for and receive a social security number. I appreciate the opportunity to comment on this proposed change in requirements.

Since 9/11, the US government's regulatory environment has changed dramatically and OFTEN with regard to international students. It has been difficult for international student advisors to keep up with the changes by different government agencies and certainly difficult for the personnel at these agencies as well, especially at the local levels. At times, changes in regulations with one agency seems to be at odds with changes at other agencies resulting in confusion, incongruities, and unnecessary administrative burden on schools and agencies at local levels. Because of the recent confusion over data transfer from SEVIS to SAVE, I had international students wait five months to get a Social Security Number. Hopefully with the new procedures in place, these kinds of delays will be few and far between, and I appreciate your efforts to ensure a more reliable and timely verification process so that students can get Social Security Numbers within a few weeks, not months.

However, the proposed rule only bodes for more confusion, incongruities and unnecessary burden on SSA local offices and colleges and universities. I strongly urge the SSA to reconsider this proposed rule:

**Requirement is Unnecessary as Right to Employment is Inherent in F-1 Status**

There are no citations in either the Immigration and Nationality Act or the Social Security Act which require a student in F-1 status to have actual employment as a prerequisite to obtaining an SSN. In fact, section 205(c2)(B)(i)(I) of the Social Security Act states that SSNs are to be assigned "to the extent practicable...to aliens at the time of their lawful

admission to the United States either for permanent residence or under other authority of law permitting them to engage in employment in the United States and to other aliens at such time as their status is so changed as to make it lawful for them to engage in such employment.” This is reiterated in SSA regulations found at 20CFR 422.107(e).

### **Requirement would Deny F-1 Students an Identification Number that is Essential to Life in the United States**

One is constantly asked for a Social Security Number as the unique identifying number for that individual in order for them to participate in the American economy and American society. One is asked for a Social Security Number to open a bank account, obtain a driver’s license, negotiate utility services, sign a lease, or make an investment. If the SSA thinks that this number is not necessary to do these things, you should inform the rental companies, property agents, banks, utilities, and Division of Motor Vehicles. Would-be landlords and front-line employees of utility companies, financial institutions, credit card agencies and motor vehicles departments are turning away foreign students without SSNs. Compounding the problem for these students is a lack of language skills and understanding of the cultural nuances needed to navigate through the administrative obstacles in order to obtain the requested services without an SSN. On numerous occasions I have had to intervene on behalf of a student and give the utility company or bank a lesson in government regulations so that a student could get a bank account or a phone company would give the student a phone line. It not only creates frustration and anger and administrative burden on the student’s part but on my part as well. It is difficult enough to get your feet on the ground when you first arrive in a new country without these institutions either giving you the run around or the door in the face because you don’t have the *magic number*.

The proposed requirement also makes it difficult for many F-1 students to access some on-campus jobs. I am in a constant battle with my Business Office and Personnel Services department about allowing F-1 students who have not received Social Security numbers (they have applied but have had to wait up to five months to receive their number) to work on campus. Some of these jobs are work/study jobs that are granted to them as part of their financial aid package and some are on-campus jobs that students can pick up as regular employment or casual employment if they want to make some extra money. Our Business Office says that our university risks being fined by the IRS for allowing students to work AT ALL without a Social Security Number. The Personnel Services department requires that the student show a *receipt* verifying that the student has actually applied for a SSN in order to work on campus. Asking for a receipt from our local SSA office is like asking for their first-born!

Our local SSA office is one hour away and not accessible by public transport. SSA representatives from that office come to a nearby (10 miles away) town for four hours every other month. If the proposed rule were to go into effect, students who were not work/study students, but found a job, would need to wait until this three-hour window every other month to be able to apply for a Social Security Number! By then, the job may have come and gone, especially if they have to wait to actually GET the number! It makes much more sense to do what the local SSA office has agreed to do to date: at the

beginning of the school year, a SSA representative has graciously agreed to come up to our school and take applications for SSNs from ALL non-immigrant students who are legally allowed to work, whether they have gotten a job or not. I write a letter certifying their eligibility according to their visa status. We do this during the first week of the students' arrival, when many of them will not know what their jobs are going to be, because of the significant amount of time it takes to actually get the number. We even (amazingly) arrange for the students to get *receipts* to show our Personnel and Business Offices that the student has in fact applied for a number, so should be allowed to start his/her job.

Many of our students receive scholarship or grants, for which no services in return are required. In this case, the school must report the scholarship or stipend to the IRS, and the school requires that the student have an SSN for this purpose. Also at the end of the year, the student is legally required to file a tax return with the IRS (at least an 8833) which requires an SSN. Even if F-1 students wanted to get only an International Tax ID numbers, they would have a problem with the IRS because they are legally allowed to work in the US and therefore need an SSN.

The proposed rule also states that students who had EAD cards would be eligible to apply for an SSN. Another international student advisor recalled a recent incident where a student who applied for an EAD with USCIS was denied because the student did not have a Social Security Number! Yes, they ask you to put your SSN down. If you don't have the SSN beforehand, then you can't fill in the EAD application completely and you risk being denied!

**Requirement Would Impose Unnecessary Administrative Burdens on Schools and Local SSA and Other Government/parastatal/private sector Offices**

I will not belabor this point, but I think that you can understand from the above situations that I have recounted, that the proposed change could only increase confusion, incongruities, and an unnecessary administrative burden on all parties. I can't speak for other schools, but I know that the students that attend Washington and Lee University are serious students who want to get a good education and have career opportunities that they can ultimately transfer back to their home countries. They are obedient, respect the rule of law, and don't want to make waves. However, they do want to be treated like other law-abiding human beings and deserve to be treated to the letter of the law. All they want to do is get a bank account, invest in US institutions, pay their utility bills, all things that are not a security risk or fraud risk, but actually help the US economy.

I strongly urge SSA to withdraw the proposed rule and am sure that the SSA can work out simpler, saner measures to ensure the integrity of the SSN without unnecessarily and punitively inconveniencing the many LEGITIMATE students who see a positive experience studying in the United States.

Sincerely,



Amy S. Richwine, International Student and Scholar Advisor